

HONORABLE JAMES L. ROBERT
HEARING: DECEMBER 31, 2024
WITHOUT ORAL ARGUMENT

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

TATYANA LYSYY, married, VASILII
LYSYY, married who are each members of a
marital community,

Plaintiffs,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY AND DEUTSCHE BANK
NATIONAL TRUST COMPANY trustee,
a foreign corporation, IMPAC SECURED
ASSETS CORP 2005-62, MORTGAGE
PASSTHROUGH CERTIFICATS
SERIES 2007-1, a foreign corporation;
QUALITY LOAN SERVICE OF
WASHINGTON; PMC BANCORP, a
foreign corporation and national
association; BANK OF AMERICA, NA.
Successor by Merger to BAC Home
Loans Servicing, LP fka Countrywide
Home Loans Servicing LP ("Bank of
America") a national association and
foreign corporation;
MERSCORP Holdings, Inc., a foreign
corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
foreign corporation; SELECT
PORTFOLIO SERVICING, INC., a
foreign corporation; SAFEGUARD
PROPERTIES, LLC, a foreign

No. 2:24-cv-00062-JLR

DECLARATION OF MIDORI R. SAGARA
IN SUPPORT OF DEFENDANTS' SECOND
MOTION FOR SUMMARY JUDGMENT

DECLARATION OF MIDORI R. SAGARA IN SUPPORT OF
DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT - 1

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1420 FIFTH AVENUE, SUITE 3100
SEATTLE, WA 98101-1337
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corporation; RESIDENTIAL REAL ESTATE REVIEW, INC, a foreign corporation; MORTGAGE STANLEY PRIVATE BANK, NA, a foreign corporation, E*TRADE, a foreign corporation.

Does 1-20,

Defendants.

I, Midori R. Sagara, declare as follows:

1. I am an attorney for Defendants, Deutsche Bank National Trust Company, as trustee, on behalf of the holders of the Impac Secured Assets Corp. Mortgage Pass-Through Certificates Series 2007-1 (the "Trust"), Select Portfolio Servicing, Inc. ("SPS"), Safeguard Properties, LLC ("Safeguard") and Residential RealEstate, Inc. ("RRR") (collectively "Defendants" or the "moving Defendants"), in the above-captioned matter.

2. I am over the age of majority and competent to testify. I make this declaration based on my knowledge, on information where indicated, and on the files and records maintained by Buchalter in the ordinary course of business.

3. Attached as **Exhibit A** is a true and correct copy of relevant pages of the deposition of Tatyana Lysyy, taken on October 11, 2024.

4. Attached as **Exhibit B** is a true and correct copy of relevant pages of the deposition of Vasiliy Lysyy, taken on October 11, 2024.

5. To date, Plaintiffs have not answered any of Defendants' interrogatories. To date, Plaintiffs have not produced any documentation to substantiate any personal property allegedly taken from the subject property by Defendants, or any documentation to substantiate that Plaintiffs wished to use the property after 2012/2013, could have rented out the property or could have sold the property.

6. To date, my office has not received the Court-ordered \$4,500 from Plaintiffs.

7. Attached as **Exhibit C** is a true and correct copy of Defendants' motion to compel, filed on August 4, 2023 in King County Superior Court No. 22-2-11294-8 KNT.

1 8. Attached as **Exhibit D** is a true and correct copy Defendants' motion to compel,
2 filed on December 6, 2023 in King County Superior Court No. 22-2-11294-8 KNT.

3 9. Attached as **Exhibit E** is a true and correct copy of the docket of Ms. Lysy's
4 Chapter 13 Bankruptcy, filed on October 11, 2019 in the Bankruptcy Court in the Western District
5 of Washington, at Seattle, No. 19-13736-TWD.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct.

8 SIGNED this 26th day of November, 2024, at Seattle, Washington.

9 /s/ Midori R. Sagara
10 Midori R. Sagara, WSBA #39626

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2024, I caused to be served a copy of the foregoing
on the following persons in the manner indicated below at the following address:

Plaintiffs – Pro Se

Vasiliy and Tatyana Lysyy
4109 68th Avenue East
Fife, WA 98424

- ☐ CM/ECF
☒ First Class Mail
☒ Legal Messenger
☒ Federal Express
☒ E-mail

Counsel for Quality Loan Service Corporation

Robert William McDonald
108 1st Ave S, Suite 202
Seattle, WA 98104

- ☒ CM/ECF
☐ Hand Delivery
☐ Legal Messenger
☐ E-mail

By: s/ Cynthia Daniel
Cynthia Daniel, Legal Assistant
cdaniel@buchalter.com